

**Application No.:** 10/540,843  
**Filing Date:** May 18, 2006

## **REMARKS**

The Response to Restriction Requirement filed on April 28, 2008 was determined to not be fully responsive to the prior Office Action because, while an election was made with regard to Species A, no election was made with regard to the required Species B, a specific therapeutic agent as stated in Claim 16.

### **Species A**

Regarding Species A, Applicants previously elected an oral dosage for intestinal delivery by oral administration. Claims 8, 9, 16-31 and 38-43 read on the elected species A.

### **Species B**

Regarding Species B, a specific therapeutic agent as stated in Claim 16 must be elected. The therapeutic agents listed in Claim 16 include a drug, a peptide with biological activity and a vaccine. Applicants elect a peptide with biological activity.

According to the Restriction Requirement, if Applicants elect a peptide with biological activity, a specific peptide from Claim 22 must be chosen. Peptides listed in Claim 22 include a hormone, lymphokine, globulin and albumen. Applicants elect a hormone.

If Applicants elect a hormone, a specific hormone from Claim 23 must be chosen. Hormones listed in Claim 23 include testosterone, nandrolene, menotropins, insulin and urofolltropin. Applicants elect insulin.

Claims 8, 9, 16, 22, 23, 31 and 43 are believed to read on the elected species B.

With regard to the above species elections, Applicants understand that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species, which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. § 1.141.

### *No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

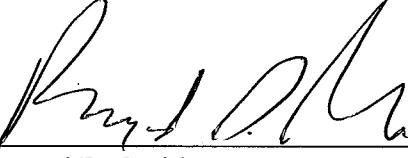
**Application No.:** 10/540,843  
**Filing Date:** May 18, 2006

application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7 October 2008  
By: 

Raymond D. Smith  
Registration No. 55,634  
Agent of Record  
Customer No. 20995  
(949) 760-0404

6040578\_2  
100608